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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,269

03/31/2004

Lawrence Shah

A8700

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07/13/2006

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EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,269	SHAH ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dung (Michael) T. Nguyen	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 48-79 is/are pending in the application.
- 4a) Of the above claim(s) 32-47 and 80-116 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 48-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/30/04, 09/08/05, 10/31/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I (claims 1-31 and 48-79) in the reply filed on 04/13/06 is acknowledged. The traversal is on the ground(s) that there is no justification for considering polarization monitoring as being separate and distinct from the Group I. This is not found persuasive because the fields of search for "polarization monitoring" and "monitoring the wavelength, pulsewidth and repetition rate" in Group I are NOT coexistence. Also, the strategies for doing text searching are different. Thus, separate searches are required.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 5-8, 11-18, 21-24, 27-31, 48-51, 53-56, 59-66, 69-72, and 75-79 are rejected under 35 U.S.C. 102(a) as being anticipated by Erbert et al. (2003/0189959).

With respect to claims 1-3, 11-18, 27-31, 48-50, 59-66, and 75-79, Erbert et al. show in Fig.1 an apparatus for generating optical pulses, wherein each pulse may have individualized characteristics, the apparatus comprising:

laser means 1 (fiber amplifier, stretcher, and compressor in para.0015 and 0024) for generating the bursts of composite pulses,

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control means 6 that controls the laser means; and

beam manipulation means (para.0015, 0028, and 0030) for monitoring the wavelength, pulsewidth and variable repetition rate characteristics of the pulses comprising the composite pulse bursts and generating feedback data for the control means (para. 0028) for pulse wavelength, pulsewidth and repetition rate control.

With respect to claims 5-6, 21-22, 53-54, and 69-70, para.0024 discloses means for converting the fundamental frequency (it is understood that a parametric oscillator (i.e., a non linear material) characteristic is used to convert the fundamental frequency signal into higher order harmonic signal).

With respect to claims 7, 23, 55, and 71, Fig.1 discloses the controller 6.

With respect to claims 8, 24, 56, and 72, para.0030 discloses a spectrometer.

With respect to claim 51, it is inherent that there must be a photodiode to measure a repetition rate because para.0028 discloses the controlled computer with feedback loop to maintain the right rep. rate for the laser system.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 19-20, 52, and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erbert et al. (2003/0189959) in view of Dantus et al. (2006/00564468).

Erbert et al. disclose all limitations of the claims, a power meter (para.0019), and it is inherent that there must be a photodiode to measure a repetition rate because para.0028 discloses the controlled computer with feedback loop to maintain the right rep. rate for the laser system but fail to disclose the gating device.

Dantus et al. teach the gating device (para.0131).

it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Erbert et al. what is taught by Dantus et al. to characterize the pulsewidth.

Claims 9, 25, 57, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erbert et al. (2003/0189959) in view of DeSimone (5933274).

Erbert et al. disclose all limitations of the claims except for the telescope and steering optics.

DeSimone teaches in Fig.1 and col.3, lines 14-24 the telescope and steering optics.

it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Erbert et al. what is taught by DeSimone to allow accurate beam alignment to a cross hair mark on the target and to allow the user to control the plane of ablation (col.3, lines 18-24).

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Claims 10, 25, 58, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erbert et al. (2003/0189959) in view of DeSimone (5933274) and further in view of Palese (2002/0131164).

Erbert et al. and DeSimone disclose all limitations of the claims except for the beam profiler that monitors characteristics of laser pulses and generates feedback for the control means.

Palese teaches in Fig.4 the beam profiler 326 (as stated in the instant application on page 24, line 3-4, the CCD camera works as a beam profiler) that monitors characteristics of laser pulses and generates feedback for the control means 328.

it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Erbert et al. and DeSimone what is taught by Palese in order to monitor the laser pulse characteristic and control the laser pulse characteristic.

### Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

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Michael M ✓

Michael Dung Nguyen

6/29/06